

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- ☒ PROPOSED COUNTY CODE AMENDMENT
- ☒ PROPOSED PFM AMENDMENT
- ☐ APPEAL OF DECISION
- ☐ WAIVER REQUEST

Proposed amendments to the Public Facilities Manual (PFM) and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia* (The Code). The proposed amendments improve and enhance the bonding and inspection requirements for land development projects. In addition, several editorial changes are being proposed including adjusting an inspection fee for consistency between the Zoning, Subdivision and Erosion and Sediment Control Ordinances.

Authorization to Advertise

July 31, 2006

Planning Commission Hearing

September 21, 2006 at 8:15 p.m.

Board of Supervisors Hearing

October 23, 2006 at 4:00 p.m.

Prepared by:

Code Analysis Division
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Report Date: July 31, 2006

STAFF REPORT

A. Issues:

Adoption by the Board of Supervisors (the Board) of proposed amendments to the Public Facilities Manual (PFM) and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia* (The Code). The proposed amendments improve and enhance the bonding and inspection requirements for land development projects. In addition, several editorial changes are being proposed including adjusting an inspection fee for consistency between the Zoning, Subdivision and Erosion and Sediment Control Ordinances.

B. Recommended Action:

Staff recommends that the Board adopt the proposed amendments.

C. Timing:

Board of Supervisors authorization to advertise – July 31, 2006.

Planning Commission Public Hearing – September 21, 2006, at 8:15 p.m.

Board of Supervisors Public Hearing – October 23, 2006 at 4:00 p.m.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments have been prepared by DPWES and coordinated with the Department of Planning and Zoning (DPZ) and the Office of the County Attorney. The proposed amendments to the PFM have been recommended for approval by the Engineering Standards Review Committee.

F. Background:

In general, the proposed amendments are County initiatives to improve and enhance regulations related to the inspection and bonding of land development projects. The proposed amendments address issues related to extending the allowable timing for pre-construction conferences; codifying the requirement for a certification by a

surveyor that subdivision monuments have been installed; requiring a notification and replacement agreement when a developer's surety falls below the minimum rating standard, eliminating the processing fee for the replacement agreement when a surety falls below the minimum rating standard, and implementing stricter bond requirements for land development projects. The proposed bond improvements were part of the recommendations that were coordinated with members of the Northern Virginia Building Industry Association (NVBIA) and presented to the Board's Development Process Committee on May 16, 2005 and August 5, 2005.

In addition, several editorial changes are being proposed. The editorial amendments address issues related to renumbering and updating plates, and adjusting an inspection fee for consistency between the Zoning, Subdivision and Erosion and Sediment Control Ordinances. A detailed discussion of each amendment is set forth below.

Pre-construction Conference:

In accordance with the current PFM, a pre-construction conference must be held prior to the commencement of any site construction, particularly before any clearing and grading begins. The purpose of the meeting is for interested parties to meet and discuss important issues related to construction of the project. Depending on the type and scope of the project, issues that may be discussed at the pre-construction meeting include safety, project timing, protection of existing features and constructability issues such as steep slopes and poor soils.

In accordance with the current PFM, a pre-construction conference must be held within 3 working days upon receipt of a request by the developer, or in the event that the County is unable to schedule a conference within 3 working days, the conference must be scheduled in no more than 5 working days while permitting the developer to proceed with his work in strict accordance with all applicable codes, laws, and the approved plans.

Once the pre-construction conference is requested by the developer, the County inspector is responsible for arranging the conference to ensure that all concerned County agencies are represented at the meeting. Due to the fact that most land development projects contain construction issues that need to be discussed, or involve considerable public interest and neighbor involvement, the county inspector does not have sufficient time to thoroughly review the plan and perform the necessary coordination with other agencies. In addition, some projects contain proffers that require study and extensive coordination by the County inspector before a successful pre-construction meeting can be held.

The proposed amendment addresses the difficulties in meeting the current PFM requirement related to the timing of the pre-construction conference. If approved, the proposed amendment would revise the PFM to extend the allowable time from 3 to 5 days, and, in the event that the County is unable to schedule a conference

within 5 days, the proposed amendment extends the time to hold the meeting from 5 to 10 days. A copy of the proposed PFM amendment is included in Attachment A.

Survey Monuments:

The current PFM requires that monuments be installed establishing street and property lines for subdivisions. Section 2-0105.2 of the PFM addresses where the monuments shall be installed; however, the current PFM does not address the current practice of certifying that monuments have been installed to comply with the State Code requirements.

The proposed amendment revises the PFM to add new Section 2-0105.3 to codify the current practice regarding certification of monuments. If approved, the proposed amendment would require a certification by a surveyor licensed by the Commonwealth of Virginia prior to bond release. In addition, the PFM is being revised to address installation of monuments in difficult situations such as in pavement or on a retaining wall. The proposed amendment revises the PFM to permit "objects of permanent material" (e.g. pk nail, drill hole, or etch marking) in lieu of the standard 18-inch iron pipe or solid iron rod in accordance with the State Code. A copy of the proposed PFM amendment is included in Attachment A.

Bond Process:

The proposed amendment related to the bonding of land development projects revises the PFM to implement stricter bond requirements for developers that are in default. Under the current PFM, the bond amount includes the cost estimate for the subject public improvements plus an additional factor of 25% of the cost estimate to cover administrative costs, inflation, and potential damage to existing roads or utilities. Under the proposed amendment, in the event the developer has not met all the previous land development obligations in accordance with all development agreements with Fairfax County for the previous seven years, then the bond amount would include the cost estimate for the subject improvements plus an additional factor of 50% of the cost estimate.

In addition, if the developer has not met all the previous land development obligations in accordance with all development agreements with Fairfax County as determined by the Director, for the previous seven years, then a personal, corporate, or property bond would be disallowed. In these cases, security for such facilities should be provided in the form of a certified check, cash escrow, or a letter of credit, and the face amount of such surety after partial release shall never be less than 20% of the amount for which the original surety was taken, or the cost to complete the improvements, whichever is greater, and such partial releases may be permitted no more than three times within any twelve-month period. If approved by the Board, the proposed amendments related to the bonding of land development projects revises the PFM to implement the recent changes to § 15.2-851.1 of the Code of Virginia.

Replacement Agreements:

Corporate bonds are one type of surety acceptable by the County to guarantee construction of a developer's land development project. The current PFM requirements for corporate bonds are found in Section 2-0601.4 and include a requirement that the corporate bond: 1) is furnished by an insurance company, licensed to transact business in Virginia; 2) guarantees the full amount of the construction cost estimate; and 3) is from a surety (insurance company) rated Class A VI or better as published in the A.M. Best Key Rating Guide.

The County assesses the stability of the insurance company via their Best Key rating. However, the current PFM does not include a provision to either notify the County, or replace a surety that falls below the County's minimum rating standard. The current PFM regulations only require that the surety meet the minimum rating standard at the time it's initially approved with the bond package. The proposed amendment revises the PFM to ensure that corporate sureties that fall below a Best Key Rating of A VI are "watched", and corporate sureties that fall to a Class B XV rating, or less (those determined to be "vulnerable" by A.M. Best) are replaced. A copy of the proposed PFM amendment is included in Attachment C.

In addition, the proposed amendment revises the Zoning and Subdivision Ordinances to eliminate the fee paid to the County for processing a replacement agreement in instances whereby the corporate surety falls to a "B" level according to the A.M. Best Key Rating Guide and when the replacement request is submitted to and approved by the Director prior to the expiration date of the agreement. Eliminating the replacement agreement processing fee will provide an incentive to the developers to replace any surety that falls below the acceptable rating standard. In addition, by reducing the number of sureties that fall below the acceptable rating standard, the proposed amendment will also improve the overall level of securities held by the County. A copy of the proposed Zoning and Subdivision Ordinance amendment to eliminate the fee associated with replacement agreements is included as Attachments B and C, respectively.

Editorial Changes:

Editorial changes include renumbering PFM Plates #37-7 (37M-7) and #41-6 (41M-6), renumbering PFM Sections 7-1200 (Plates) and 7-1300 (Tables), revising Plate #2-7 (2M-7) to indicate that the bottom of the slanted curb is used to establish street dimensions rather than the top of the slanted curb, updating the notes on Plate #32-7 (32M-7) related to the colonial light pole, and adjusting an inspection fee for consistency between the Zoning, Subdivision and Erosion and Sediment Control Ordinances. A copy of the proposed editorial amendments are included in Attachments A (PFM amendments) and B (Zoning Ordinance amendments).

G. Summary of Proposed Amendments:

Below is a summary of the proposed provisions:

- 1) Extend the amount of time to hold a pre-construction meeting from 3 working days to 5 working days of the request. In the event that the County is unable to schedule a meeting within 5 working days of the request, the amount of time is extended to 10 working days of the request. (Refer to Attachment A)
- 2) Add a PFM requirement for a statement of certification by a surveyor that all required monuments have been installed in accordance with the Subdivision Ordinance and the PFM. In addition, clarify that a permanent marker (such as a pk nail, drill hole or etch mark) can be installed, in lieu of the 18-inch iron pipe or solid iron rod, in difficult situations. (Refer to Attachment A)
- 3) Implement changes to § 15.2-851.1 of the Code of Virginia related to stricter bond requirements for developers that are in default and have not met all their previous land development obligations in accordance with all development agreements with Fairfax County for the previous seven years. The stricter bond requirements relate to establishing the bond amount, bond reduction (partial release) amount, and the type of security permitted. (Refer to Attachment A)
- 4) Add a PFM requirement to ensure that insurance companies that fall below a Best Key Rating A-VI are “watched”, and insurance companies that fall to a Class B-VX rating, or lower are replaced by processing a replacement agreement and security. (Refer to Attachment A)
- 5) Revise the Zoning and Subdivision Ordinances to eliminate the fee paid to the County for processing a replacement agreement in instances when the corporate surety rating falls to a “B” level according to the A.M. Best Key Rating Guide and the replacement request is submitted to and approved by the Director prior to the expiration date of the agreement (not in default). (Refer to Attachments B and C respectively)
- 6) Renumber PFM Sections 7-1200 (Plates) and 7-1300 (Tables), and PFM Plates #37-7 (37M-7) and #41-6 (41M-6). (Refer to Attachment A)
- 7) Revise PFM Plate #2-7 (2M-7) to show that the base of slanted curb, rather than the top of curb, is used to establish street dimensions. (Refer to Attachment A)
- 8) Update the notes on PFM Plate #32-7(32M-7), Colonial Style Fixture for Subdivision Roadways with Curb-and-Gutter. (Refer to Attachment A)

- 9) Adjust an inspection fee in the Zoning Ordinance for consistency between the Zoning, Subdivision and Erosion and Sediment Control Ordinances. (Refer to Attachment B).

H. Attached Documents:

Attachment A - Proposed PFM Amendments

Attachment B - Proposed Zoning Ordinance Amendments

Attachment C - Proposed Subdivision Ordinance Amendments

Attachment A

**Proposed Amendments
to
the Public Facilities Manual (PFM)**

Amend the PFM, Section 2-0502 (Inspections), by revising paragraph 1 (Pre-construction Conference), to read as follows:

2-0502 Inspections

2-0502.1 Pre-construction Conference. Except as provided herein, a pre-construction conference shall be held prior to the commencement of any construction on a project, particularly before any clearing and grubbing are begun.

2-0502.1A Upon receipt of a request by the developer to the Director to hold a conference, the Director shall arrange for all concerned County agencies to be represented. The developer should arrange for all appropriate contractors involved in the project to be present, including, to the extent possible, all necessary utility contractors.

2-0502.1A(1) The pre-construction conference should be held within ~~3~~ 5 working days of the request.

2-0502.1A(2) To avoid undue delay in the event the County is unable to hold a conference within ~~3~~ 5 working days, the conference shall be held in no more than ~~5~~ 10 working days; meanwhile the developer may proceed in strict accordance with all applicable codes, laws, and approved plans. In computing the ~~3-5~~-day or ~~5-10~~-day period, the first day shall be the date of receipt of the request from the developer.

2-0502.1B Prior to requesting a pre-construction conference the developer shall:

2-0502.1B(1) Have the project plans approved by the Director.

2-0502.1B(2) Obtain all necessary permits.

2-0502.1C Prior to the scheduled date of the pre-construction conference and the commencement of construction, the developer shall:

2-0502.1C(1) Have the clearing limits accurately flagged by the developer's engineer or surveyor with a continuous line of surveyors tape within the section of the project to be cleared. The limits of clearing and grading shall not exceed that shown on the approved plan.

2-0502.1C(2) The developer shall provide on-site copies of all approved plans, revisions, zoning conditions and regulatory specifications applicable to the project. These documents shall be retained on-site by the project superintendent through the active construction phases of the project.

2-0502.1C(3) Complete all tree-related pre-construction requirements under Section 12-0801 et seq.

2-0502.1D During the pre-construction conference representatives of the Director and the developer shall review the work shown on the approved plan and the sequence of conservation and construction tasks. The flagged limits of clearing and grading shall be walked by the representatives, and approved by the Directors representative, prior to commencement of clearing and grading, unless the County is unable to hold a pre-construction conference within 3 working days as stated in 2-0502.1A(2).

Amend the PFM, by revising Section 2-0105 (Monuments), to read as follows:

2-0105 Monuments

2-0105.1 Required monuments shall be iron pipe or solid iron rod not less than ½" (12mm) or more than 1" (25mm) in diameter and a minimum of 18" (450mm) in length or other permanent marker (e.g. pk nail, drill hole or etch mark). The top of all such monuments shall be set ~~above,~~ but not more than 1" (25mm) above, flush with the finished ground surface at their respective locations.

2-0105.2 In all subdivisions, these monuments shall be placed in the ground at all lot corners. Also, these monuments shall be placed at all angle points in the outer lines of the subdivision and at all points of angles and curvature in the right-of-way of all streets within the subdivision.

2-0105.3 Prior to bond release, a statement of certification by a surveyor licensed by the Commonwealth of Virginia shall be provided, certifying that all required monuments have been installed in accordance with criteria listed above, and bearing the surveyor's seal, signature and Virginia registration number.

Amend the PFM, Section 2-0601 (Agreement and Bond Establishment), by inserting paragraph 1C and revising paragraph 2B to read as follows:

2-601.1C Developer, as used in this section, shall mean any owner, builder, subdivider, or other person or entity engaged in the land development process and shall include their principals, officers, members, managers, partners, alter egos, and members of the immediate family related to any of the foregoing.

2-0601.2B The bond amount is the full amount of the cost estimate plus contingencies, engineering costs and inflation. In the event the developer has not met all the previous land development obligations in accordance with all development agreements with Fairfax County for the previous seven years, then the bond amount should include the cost estimate plus a factor of 50% of the estimate to cover administrative costs, inflation, and potential damage to existing roads or utilities.

Amend the PFM, Section 2-0601 (Agreement and Bond Establishment), by revising paragraph 4A (Acceptable Surety or Security), to read as follows:

2-0601.4 Acceptable Surety or Security. The following types of surety or security may be accepted by the County:

2-0601.4A (71-01-PFM) Corporate Bonds. This surety shall be furnished by an insurance company licensed to transact fidelity and surety insurance in Virginia and shall guarantee the full amount of the bond. The ability of the surety writer to provide satisfactory performance guarantee will be assessed by County staff in accordance with criteria reported in the latest publication of the Best Key Rating Guide and the U.S. Treasury Department Federal Register circular. Performance bonds will only be accepted (1) in amounts not exceeding those limitations identified in the U.S. Treasury Department Federal Reserve's Registry of Sureties; and (2) from sureties rated as Class A VI or better in the Best Key Rating Guide unless the corporate surety provides:

(1) a) A cut-through agreement under which the surety and reinsurance company are jointly and severally liable in the event of the developer's default, in a form acceptable to the Director, with a reinsurance company that is rated as Class A VI or better in the latest publication of the Best Key Rating Guide; or

(2) b) A co-surety on the bond that is rated as Class A VI or better in the latest publication of the Best Key Rating Guide.

2-0601.4A(1) Extension requests for agreements that have expired and are supported by a corporate surety bond must have the written consent of the surety provider assigned a rating of A VI or better or as otherwise specified above.

2-0601.4A(2) The developer and insurance company shall notify the Director in writing if the Best Key rating for the insurance company falls below Class A VI. The notification shall be provided to the Director no later than 30 calendar days after the Best Key rating is reported.

2-0601.4A(3) The developer shall provide a replacement agreement and security for any corporate bond provided by an insurance company whose Best Key rating has fallen to a Class B XV or lower. A complete replacement agreement shall be submitted to the Director in accordance with §2-0602 no later than 30 calendar days after a Best Key rating of B XV is reported.

Amend the PFM, Section 2-0601 (Agreement and Bond Establishment), by revising paragraph 5 (Developer Performance), to read as follows:

2-0601.5 Developer Performance. When a new agreement is submitted, County staff shall research the developer's background on past development performances in the County, and where possible, in other jurisdictions. If it is revealed that there is an association with any previous agreement which has expired, the new agreement shall not be approved without prior

notification and concurrence of the Board. The findings of the staff, along with the signed documents returned by the developer, shall be forwarded to the Bonding Committee.

2-0601.5A If the developer has not met all the previous land development obligations in accordance with all development agreements with Fairfax County as determined by the Director for the previous seven years, then a personal, corporate, or property bond will be disallowed by the Director as security for such facilities. In these cases, security for such facilities should be provided in the form of a certified check, cash escrow, or a letter of credit that meets the requirements specified herein.

Amend the PFM, Section 2-0602 (Extensions and Replacement of Agreements, Reduction of Bonds or Securities), by revising paragraph 3 to read as follows:

2-0602.3 (50-95-PFM) The developer may make a written request to the Director, on forms provided by the County, for periodic partial releases upon completion of at least 30% of the work covered by the bond; provided however, the face amount of the bond after partial release shall never be less than 10% of the amount for which the original bond was taken, as established by the original bond estimate, or the cost to complete the improvements, whichever is greater. Said partial releases may be permitted no more than three times within any twelve-month period.

2-602.3A If the developer has not met all the previous land development obligations in accordance with all development agreements with Fairfax County as determined by the Director for the previous seven years prior to the written request for partial release, the face amount of the bond after partial release shall never be less than 20% of the amount for which the original bond was taken, as established by the original bond estimate, or the cost to complete the improvements, whichever is greater. Said partial releases may be permitted no more than three times within any twelve-month period.

2-0602.3AB The reduced bond amount shall be estimated by the Director based upon the percentage complete of the bonded items. A new bond package is then prepared and forwarded to the developer.

2-0602.3BC Reduction of corporate surety by rider is acceptable. A letter of credit can be reduced by a letter from the issuing institution amending the original letter of credit, subject to all terms and conditions of the original letter.

2-0602.3CD Each reduction shall be subject to the Reduction Fee (§ 2-1000).

Amend the PFM, by renumbering Sections 7-1200 (Plates) and 7-1300 (Tables), and revising Section 7-1004.1A(3), to read as follows:

7-1200 <u>7-1400</u>		PLATES	
STANDARD			
DESIGNATION	PLATE NO.	DESCRIPTION	SECTION
IT-2	37-7 (37M-7) <u>31A-7</u> (31AM-7)	Special Interstate Roadway Fixture For Major Roadways	7-1004

~~7-1300~~ 7-1500 TABLES

§7-1004.1A(3) Interstate (IT); this fixture is only used on primary roadways where the VDOT's clear zone is greater than 20 feet (6m). This fixture can be installed on wood poles (IT-1) or concrete (IT-2) see Plate ~~37-7 (37M-7)~~ 31A-7 (31AM-7).

Amend the PFM, by renumbering plate #37-7 (37M-7), Special Interstate Roadway Fixture for Major Roadways, to read #31A-7 (31AM-7) and renumbering plate #41-6 (#41M-6), Percolation Trenches, to read #41A-6 (#41AM-6).

Amend the PFM, by revising Plate #2-7 (2M-7), Standard Typical Section for Undivided Streets with Curb & Gutter, to show that the bottom of the slanted curb, rather than the top of curb, is used to establish the dimensions of "P" and the 3.5-foot separation between the back of curb and front edge of sidewalk. The modified plates are attached and the revisions are indicated by revision clouds.

Amend the PFM, by updating the notes on Plate #32-7 (32M-7), Colonial Style Fixture for Subdivision Roadways with Curb-and-Gutter. The modified plates are attached and the revisions are indicated by strike-outs and underlines.

Attachment B

**Proposed Amendments to Chapter 112 (Zoning Ordinance)
of
The Code of the County of Fairfax, Virginia**

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of July 31, 2006 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 17, Site Plans, Part 1, General Requirements, Sect. 17-109, Fees, by revising Paragraphs 6F and 7C to read as follows:

Applicable fees, at such times and amounts as stated below, shall be paid to the County for the examination and approval of site plans, minor site plans, and other required studies and reports, the inspection of all required improvements shown on such plans, and the processing of site plan or minor site plan agreements. The applicable fees for those site plans, studies and reports submitted in English measurements shall be based on a conversion from English units to metric as defined in the Metric Conversion Table contained in the Public Facilities Manual.

6. Inspection Fees: The following fees, except for those requiring an inspection following a stop work order, shall be paid at the time of bonding or prior to issuance of a construction permit for land disturbing activity, whichever occurs first:

F. Inspection following a violation: ~~\$215~~ \$210 each, payable at next bonding action

7. Processing of Site Plan and Minor Site Plan Agreements:

A. Agreement package processing fees:

A processing fee of \$1,935 per agreement package shall be paid upon submission to the County of any agreement package with a security value exceeding \$10,000. A processing fee of \$265 per agreement package will be paid upon submission of any agreement package with a security value of \$10,000 or less

B. Agreement extensions:

A fee of \$775 shall be paid upon submission of any request for an agreement extension

1 C. Replacement agreement:
2

3 A fee of \$1,380 shall be paid upon submission of any request for a replacement
4 agreement. There shall be no replacement agreement fee if the rating for the
5 corporate surety has fallen to a "B" level according to the A.M. Best Key Rating
6 Guide and the replacement request is submitted to and approved by the Director prior
7 to the expiration date of the agreement.
8

9 D. Agreement security reductions:
10

11 A fee of \$1,315 shall be paid upon submission of any request for a reduction in
12 security in support of an agreement
13

14 In the event that, prior to plan approval for review fees or prior to bond release for
15 inspection fees, the payor disputes the fee charged, a case review of costs incurred by
16 the County may be requested in writing to the Director. In the case where the review
17 reveals that the fees paid exceed 100 percent of costs, then a refund of the difference
18 shall be made. If the case review reveals that 100 percent of the costs incurred by the
19 County exceed the fees paid, then the payor shall pay the difference to the County
20 prior to plan approval for review fees, or prior to bond release for inspection fees.

Attachment C

**Proposed Amendments to Chapter 101 (Subdivision Ordinance)
of
The Code of the County Of Fairfax, Virginia**

Amend Article 2, Subdivision Application Procedures and Approval Process, Section 101-2-5, Final Subdivision Plat, by revising paragraph (d)(6), to read as follows:

(6) The subdivider or developer shall be entitled to periodic partial releases and final complete release of any bond, escrow, letter of credit, or other performance guarantee required in support of the obligation to construct the facilities covered by such performance guarantee. For purposes of partial and final complete releases, as provided for in Va. Code §§ 15.2-851.1 and 15.2-2245 and the Public Facilities Manual, the designated administrative agency shall be the Department of ~~Environmental Management~~ Public Works and Environmental Services and all notices, requests and correspondence required under that statute shall be sent to the Director

Amend Article 2, Subdivision Application Procedures and Approval Process, Section 101-2-9, Fees, by revising paragraph (a)(3)(C), to read as follows:

(a) The subdivider shall pay to the County the following fees. The applicable fees for those plats, plans, studies and reports submitted in English measurements shall be based on a conversion from English to metric units as defined in the Metric Conversion Table contained in the Public Facilities Manual.

(3) Processing of subdivision plan agreements:

(C) Replacement agreement: A fee of \$1,380 shall be paid upon submission to the County of any request for a replacement agreement. There will be no replacement agreement fee if the rating for the corporate surety has fallen to a "B" level according to A.M. Best Key Rating Guide and the replacement request is submitted to and approved by the Director prior to the expiration date of the agreement.

Copies of the Plates contained in Attachment A are available at the Zoning Administration Division at 12055 Government Center Parkway, Suite 807; Fairfax, Virginia 22035.